

DARYL D. HEARD,)
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Petitioner,)
)
)
v.) No. 4:03-CV-793 CAS
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)
MIKE KEMNA,)
)
)
Respondent.)

This matter is before the Court on state prisoner Daryl D. Heard's action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Mary Ann Medler for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

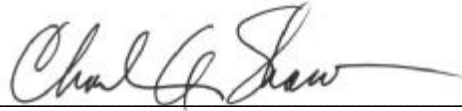
After careful review of the record, the Court concurs in the recommendation of the Magistrate Judge.

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc.20]

IT IS FURTHER ORDERED that Heard's Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is **DENIED**. [Doc. 4]

IT IS FURTHER ORDERED that this matter is **DISMISSED**, with no further action to take place herein.

An appropriate judgment will accompany this order.

A handwritten signature in cursive script, appearing to read "Charles A. Shaw", written in black ink.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 12th day of September, 2005.

